



To the Honorable Council
City of Norfolk, Virginia

March 18, 2014

From: John M. Keifer, Director of Public Works

Subject: Encroach into Colley Avenue and Westover Avenue with an exposed aggregate sidewalk with modified concrete banding, landscaping and planters at 1006 Colley Avenue.

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-8

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Towne Bank – Ghent Branch
1006 Colley Avenue
Norfolk, Virginia 23507

III. **Description**

This agenda item is an encroachment to permit Towne Bank – Ghent Branch to encroach into Colley Avenue and Westover Avenue with an exposed aggregate sidewalk with modified concrete banding, landscaping and planters at 1006 Colley Avenue.

IV. **Analysis**

An encroachment is an object or structure that infringes into the City of Norfolk's right-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the right-of-way to be approved by City Council. The encroachment in this location will allow Towne Bank – Ghent Branch to enhance the entrance area to its new building at 1006 Colley Avenue.

V. **Financial Impact**

Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. Environmental

There is no negative environmental impact associated with this action.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action


The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.


IX. Coordination/Outreach

This letter has been coordinated with Department of Public Works, the Department of Planning & Community Development and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

Form and Correctness Approved: 

By 
Office of the City Attorney


Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING TOWNEBANK - GHENT BRANCH TO ENCROACH INTO COLLEY AVENUE AND WESTOVER AVENUE WITH AN EXPOSED AGGREGATE SIDEWALK WITH MODIFIED CONCRETE BANDING, LANDSCAPING AND PLANTERS AT 1006 COLLEY AVENUE.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to TowneBank - Ghent Branch (hereinafter known as "Owner") to encroach into Colley Avenue and Westover Avenue with an exposed aggregate sidewalk with modified concrete banding, landscaping and planters at 1006 Colley Avenue, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation Owner, or its successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Owner, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured in the minimum amounts of \$1,000,000.00 per person/per injury/per occurrence, \$500,00.00 property damage/per occurrence, and aggregate \$2,000,000.00 per occurrence against liability from any and all claims, actions and suits that may be asserted or brought against the City of

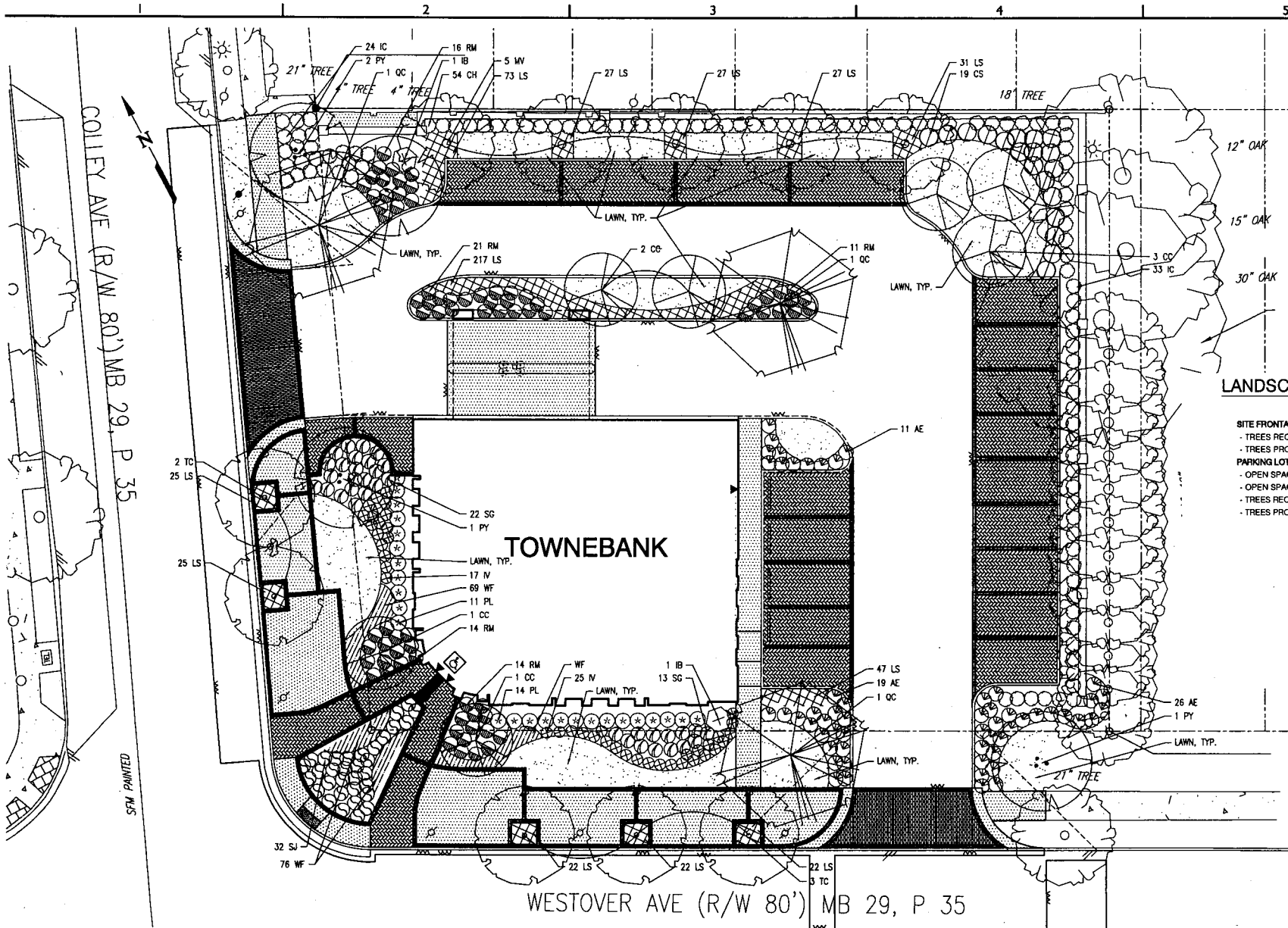
Norfolk and/or Owner, and its successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures; that evidence of such insurance shall be filed with the Director of Risk Management of the City of Norfolk.

- (4) That the City of Norfolk shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way of Colley Avenue or Westover Avenue.

Section 2:- That the failure of Owner, or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Owner, and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.



LANDSCAPE DATA

SITE FRONTAGE - 273 LF
 - TREES REQUIRED - 11
 - TREES PROVIDED - 11

PARKING LOT AREA - 10,270 SF
 - OPEN SPACE REQUIRED - 1027 SF
 - OPEN SPACE PROVIDED - 2050 SF
 - TREES REQUIRED - 7
 - TREES PROVIDED - 7

GRAPHIC SCALE(S)



TOWNEBANK
 GHENT BRANCH
 1006 COLLEY AVENUE
 NORFOLK VA, 23507

CN NO: 4355
 DATE: 10/15/13
 DESIGN: DBT
 DRAWN: EEH
 REVIEW: DBT
 REVISIONS

No.	Date	Description	By
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LANDSCAPE
 PLAN

LP10
 SHEET 10 OF